

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nison Donets,

Civil No. 05-2899 (RHK/RLE)

Petitioner,

ORDER

vs.

J.S. Walton, Associate Warden,

Respondent.

Based upon the undersigned's de novo review of the thorough and well reasoned Report and Recommendation of Chief Magistrate Judge Raymond L. Erickson dated March 16, 2006, and the recent decision of the Eighth Circuit, Fults v. Sanders, ___ F.3d ___, 2006 WL 870745 (8th Cir. April 6, 2006), together with the Objections filed by Petitioner and Respondent, **IT IS ORDERED:**

1. Petitioner's Objection (Doc. No. 16) is **OVERRULED**;
2. Respondent's Objections (Doc. No. 17) are **OVERRULED**;
3. The Report and Recommendation (Doc. No. 15) is **ADOPTED**;
4. Petitioner's Motion for Expedited Review (Doc. No. 3) is **GRANTED**;
5. The Petition for a Writ of Habeas Corpus, pursuant to Title 28 U.S.C. § 2241 (Doc. No. 1) is **GRANTED**; and

6. Respondent is directed to expeditiously reconsider the date when Petitioner should be assigned to a CCC, in light of the criteria set forth in Title 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20 and .21.

Dated: April 11, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge